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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
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11 DANELLE RENEE SCOGGIN,

12 Plaintiff,

13 v.

14 TURNING POINT CENTRAL  
15 CALIFORNIA,

16 Defendant.

Case No. 1:20-cv-00140-DAD-SAB

FINDINGS AND RECOMMENDATIONS  
RECOMMENDING DISMISSING ACTION  
FOR FAILURE TO COMPLY WITH  
COURT ORDER

(ECF No. 4)

THIRTY DAY DEADLINE

17  
18 Plaintiff Danelle Scoggin (“Plaintiff”), appearing *pro se* in this action, filed the complaint  
19 in this action on January 28, 2020. (ECF No. 1.) Plaintiff did not pay the filing fee in this action  
20 and instead filed an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.  
21 However, Plaintiff’s application was not adequately completed. In response to question three,  
22 Plaintiff indicates she receives disability and child support payments but does not describe the  
23 amounts received and what she expects to continue to receive. (ECF No. 2 at 1.) On January 31,  
24 2020, an order issued requiring Plaintiff to file a long form application to proceed *in forma*  
25 *pauperis* or pay the filing fee within twenty days. (ECF No. 4.) More than twenty days have  
26 passed and Plaintiff has not complied with or otherwise responded to the January 31, 2020 order.

27 Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these  
28 Rules or with any order of the Court may be grounds for imposition by the Court of any and all

1 sanctions . . . within the inherent power of the Court.” The Court has the inherent power to  
2 control its docket and may, in the exercise of that power, impose sanctions where appropriate,  
3 including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir.  
4 2000).

5 Here, Plaintiff was ordered to either pay the filing fee or file an application to proceed *in*  
6 *forma pauperis* within twenty days of January 31, 2020. More than twenty days have passed and  
7 Plaintiff did not comply with or otherwise respond to the January 31, 2020 order. The January  
8 31, 2020 order informed plaintiff that failure to comply with the order would result in dismissal  
9 of this action. (ECF No. 4 at 2.)

10 Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed for  
11 Plaintiff’s failure to pay the filing fee or file an application to proceed *in forma pauperis* in  
12 compliance with the January 31, 2019 order.

13 This findings and recommendations is submitted to the district judge assigned to this  
14 action, pursuant to 28 U.S.C. § 636(b)(1)(B) and this Court’s Local Rule 304. Within thirty (30)  
15 days of service of this recommendation, Plaintiff may file written objections to this findings and  
16 recommendations with the court. Such a document should be captioned “Objections to  
17 Magistrate Judge’s Findings and Recommendations.” The district judge will review the  
18 magistrate judge’s findings and recommendations pursuant to 28 U.S.C. § 636(b)(1)(C).  
19 Plaintiff is advised that failure to file objections within the specified time may result in the  
20 waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 839 (9th Cir. 2014) (citing  
21 Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

22 IT IS SO ORDERED.

23  
24 Dated: **February 28, 2020**

  
UNITED STATES MAGISTRATE JUDGE